

REMARKS

Claims 1-22 are currently pending in this application. Reconsideration is respectfully requested in light of the following remarks.

The Examiner rejected claims 1, 3, 5, 6, 11 and 14-22 under 35 U.S.C §102(e) as being anticipated by U.S. Patent 6,976,967 to Dahl et al. Applicants respectfully traverses this rejection.

Applicants' claimed invention as recited in independent claims 1, 15, 19 and 22 is directed towards a method and corresponding apparatus for determining a parameter related to cardiac geometry. For example independent claim 1 recites a method comprised in part by delivering an electrical signal to a first position in or adjacent to a first cardiac chamber... sensing a potential generated by the delivered electrical signal at a second position in or adjacent to a second cardiac chamber and determining a parameter related to cardiac geometry based, at least in part, on the sensing. (Underlining added for emphasis only). Applicants respectfully submit that Dahl et al. do not disclose or suggest the recited claim elements.

Rather, as the Examiner notes, Dahl et al. disclose a method for sensing spatial displacement in a heart that includes receiving a signal transmitted from a lead disposed proximate a structure of a heart and determining a change in a dimension of the heart, due to the heart beating, based upon the signal. (Dahl et al., col. 6, lines 27-32, FIG. 9). Thus, Dahl et al. determine a change in a dimension of the heart due to the heart beating based upon a signal transmitted from a lead. Dahl et al. do not however, disclose or suggest measuring a potential generated from a delivered electrical signal. Rather, the signal transmitted from the lead of Dahl et al. is typically generated by the change in flexure in the lead (see FIG. 10).

For example, Dahl et al. disclose that the leads may include one or more sensing elements capable of sensing bending stress induced in the leads (see FIGS. 5 and 6). In one embodiment, the sensing elements include a plurality of strain gauges which output a voltage that corresponds to the direction and amount of flexing in the leads which is then processed to determine the spatial displacement of the heart. (Dahl et al.,

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col. 4, line 65 – col. 5, line 16). Thus, Dahl et al. determine geometric changes in a heart based upon flexures in a cardiac lead or through ultrasonic measurements.

Dahl et al. do not therefore disclose or anywhere suggest delivering an electrical signal to a first position in or adjacent to a first cardiac chamber... and sensing a potential generated by the delivered electrical signal at a second position in or adjacent to a second cardiac chamber as recited in the claimed invention. Accordingly, Applicants respectfully submit that claims 1, 15, 19 and 22 of the present application are novel over Dahl et al. and are therefore allowable. Applicants further submit that claims 3, 5, 6, 11 and 14, claims 16-18 and claims 20 and 21 that depend from claims 1, 15 and 19 respectively are allowable as are claims 1, 15 and 19 and for additional limitations recited therein.

The Examiner rejected claim 10-13 under 35 U.S.C §103(a) as being unpatentable over Dahl et al. Applicants respectfully traverse this rejection.

In view of the foregoing analysis of independent claim 1 over Dahl et al. Applicants believe that the rejections of dependent claims 10-13 under §103 is rendered moot as claims 10-13 depend from allowable independent claim 1. Applicant, therefore, requests withdrawal of the rejection of claims 10-13 under 35 U.S.C. § 103(a).

In light of the above claim amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

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